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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/687,375	10/15/2003	Richard D.. Goshert	BIZ-1	2135
22855	7590	08/10/2005	EXAMINER	
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			ART UNIT	PAPER NUMBER
			3626	

DATE MAILED: 08/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/687,375

Applicant(s)

GOSHERT, RICHARD D..

Examiner

Lena Najarian

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-99 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-99 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 October 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 20031015.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Oath/Declaration

1. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:
It does not identify the citizenship of each inventor.

Drawings

2. The drawings are objected to because Figures 5A, 5B, 15A, 15B, 16A, 16B, 17A, 17B, and Figures 22-28 mentioned in the description do not appear in the drawings filed 10/01/04. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the

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changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 101

3. Claims 1-36 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

The basis of this rejection is set forth in a two-prong test of:

- (1) whether the invention is within the technological arts; and
- (2) whether the invention produces a useful, concrete, and tangible result.

For a claimed invention to be statutory, the claimed invention must be within the technological arts. Mere ideas in the abstract (i.e., abstract idea, law of nature, natural phenomena) that do not apply, involve, use, or advance the technological arts fail to promote the "progress of science and the useful arts" (i.e., the physical sciences as opposed to social sciences, for example) and therefore are found to be non-statutory subject matter. For a process claim to pass muster, the recited process must somehow apply, involve, use, or advance the technological arts.

(A) In the present case, claims 1-27 only recite an abstract idea. The recited steps of exemplary claim 1 of merely providing information pertaining to a plurality of crop insurance plans and generating at least one indication of performance of at least one crop insurance plan under at least one scenario,

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utilizing the information does not apply, involve, use, or advance the technological arts since all of the recited steps can be performed in the mind of the user or by use of a pencil and paper.

Additionally, for a claimed invention to be statutory, the claimed invention must produce a useful, concrete, and tangible result. In the present case, the claimed invention generates at least one indication of performance of at least one crop insurance plan. Although the recited process produces a useful, concrete, and tangible result, since the claimed invention, as a whole, is not within the technological arts as explained above, claims 1-27 are deemed to be directed to non-statutory subject matter.

(B) Moreover, in the present case, claims 28-36 only recite an abstract idea. The recited steps of exemplary claim 28 of merely providing information pertaining to at least one crop insurance plan and determining at least one indicia of behavior of at least one crop insurance plan does not apply, involve, use, or advance the technological arts since all of the recited steps can be performed in the mind of the user or by use of a pencil and paper.

Additionally, for a claimed invention to be statutory, the claimed invention must produce a useful, concrete, and tangible result. In the present case, the claimed invention determines at least one indicia of behavior of at least one crop insurance plan. Although the recited process produces a useful, concrete, and tangible result, since the claimed invention, as a whole, is not within the technological arts as explained above, claims 28-36 are deemed to be directed to non-statutory subject matter.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-18, 22-24, and 26-99 are rejected under 35 U.S.C. 102(e) as being anticipated by Heckman et al. (US 2003/0061075 A1).

(A) Referring to claim 1, Heckman discloses a method for use with a plurality of crop insurance plans, said method comprising the steps of (para. 2 and para. 8 of Heckman):

providing information pertaining to said plurality of crop insurance plans (para. 60 of Heckman); and

generating at least one indication of performance of at least one crop insurance plan under at least one scenario, utilizing the information (para. 17, para. 60, and para. 61 of Heckman).

(B) Referring to claim 2, Heckman discloses wherein the generating step further includes the step of:

determining performance of at least one crop insurance plan on an historical basis (para. 13 of Heckman). Insofar as the claim recites "at least one of," it is immaterial whether or not the other elements are also disclosed.

(C) Referring to claim 3, Heckman discloses associating an historical-based performance determination with historical information furnished by the information providing step and utilized by the performance indication generating step to render the historical performance determination (para. 61 of Heckman).

(D) Referring to claim 4, Heckman discloses performing a performance trend analysis based upon a projection-based crop insurance plan performance determination, and generating an indication thereof (para. 63, para. 64, and para. 65 of Heckman).

(E) Referring to claim 5, Heckman discloses wherein the generating step further includes the step of: determining historical performance of at least one crop insurance plan utilizing at least one of price-related historical data, yield-related historical data, revenue-related historical data, and income-related historical data (para. 48 of Heckman).

(F) Referring to claim 6, Heckman discloses wherein the generating step further includes the step of: constructing a comparison defining the relative performance of at least one crop insurance plan under at least one scenario (para. 114 of Heckman).

(G) Referring to claim 7, Heckman discloses wherein the comparison construction step further includes the step of: determining performance of at least one crop insurance plan based upon an historical basis (para. 13 of Heckman).

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Insofar as the claim recites "at least one of," it is immaterial whether or not the other elements are also disclosed.

(H) Referring to claim 8, Heckman discloses wherein the comparison construction step further includes the step of: providing a comparative demonstration of (i) individual producer-based performance regarding at least one individual producer-based crop insurance plan, and (ii) group-based performance regarding at least one group-based crop insurance plan (para. 5 and para. 19 of Heckman).

(I) Referring to claim 9, Heckman discloses wherein the generating step further includes the step of: determining at least one projected and/or hypothetical performance for at least one crop insurance plan utilizing at least one assumption concerning at least one crop insurance plan variable (para. 55 of Heckman).

(J) Referring to claim 10, Heckman discloses defining at least one hypothetical scenario for at least one crop insurance plan; and determining the behavior of at least one crop insurance plan in response to the at least one hypothetical scenario (para. 61 of Heckman).

(K) Referring to claim 11, Heckman discloses selectively iteratively redefining the at least one scenario by selectively modifying the information pertaining to said plurality of crop insurance plans (para. 28 of Heckman); and repeating the performance generating step for each iteration of scenario redefinition (para. 103 of Heckman).

(L) Referring to claim 12, Heckman discloses selectively iteratively performing the steps of: selectively providing a value and/or setting for at least one

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modifiable crop insurance plan variable, and utilizing the value and/or setting in the generating step (para. 103 of Heckman).

(M) Referring to claim 13, Heckman discloses wherein the information providing step further includes the step of: receiving at least one user value and/or selection pertaining to at least one factor and/or variable of at least one crop insurance plan (para. 31 of Heckman).

(N) Referring to claim 14, Heckman discloses determining a best-case scenario for at least one crop insurance plan, according to a selective performance criteria (para. 61 of Heckman).

(O) Referring to claim 15, Heckman discloses wherein the determining step further includes the step of: varying the value of at least one user-specifiable crop insurance plan variable for at least one crop insurance plan, until the performance criteria is met (para. 35 of Heckman).

(P) Referring to claim 16, Heckman discloses wherein the generating step further includes the step of: selecting at least one performance level to which the performance of at least one crop insurance plan need conform and/or comply (para. 108 of Heckman).

(Q) Referring to claim 17, Heckman discloses wherein the generating step further includes with respect to at least one crop insurance plan subject to performance level conformity and/or compliance the steps of: maintaining at least one plan variable substantially constant; and adjusting at least one plan variable until achieving performance level conformity and/or compliance (para. 73 of Heckman).

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(R) Referring to claim 18, Heckman discloses wherein the generating step further includes with respect to at least one crop insurance plan subject to performance level conformity and/or compliance the step of: dynamically adjusting at least one plan variable until achieving performance level conformity and/or compliance (para. 105 of Heckman).

(S) Referring to claim 22, Heckman discloses wherein the at least one crop insurance plan includes at least one hail-related policy (para. 8 of Heckman).

(T) Referring to claim 23, Heckman discloses performing a business and/or financial analysis incorporating results from the generating step (para. 60 and para. 61 of Heckman).

(U) Referring to claim 24, Heckman discloses wherein the business and/or financial analysis performing step further includes the step of: evaluating the effect and/or impact of actually and/or possibly carrying crop insurance on a revenue-related business component (para. 62 of Heckman). Insofar as the claim recites "at least one of," it is immaterial whether or not the other elements are also disclosed.

(V) Referring to claim 26, Heckman discloses wherein the information providing step further includes the step of: a user furnishing information pertaining to at least one insurance-applicant related crop insurance plan variable (para. 47 of Heckman); and

accessing a database to retrieve therefrom at least one of individual producer actual production history, county-based and/or group-based price history data and/or yield history data, crop insurance plan policy provision

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information, crop insurance rating data, crop actuarial history data, crop insurance actuarial information, county-based crop history data, commodity pricing history data, and county-based and/or producer-based historical revenue data and/or historical income data (para. 61 of Heckman).

(W) Referring to claim 27, Heckman discloses wherein the at least one insurance-applicant related crop insurance plan variable pertains to at least one of price election, coverage level, and protection level (para. 47 of Heckman).

(X) Referring to claim 28, Heckman discloses a method for use with a plurality of crop insurance plans, said method comprising the steps of (para. 2 and para. 8 of Heckman):

providing information pertaining to at least one crop insurance plan (para. 60 of Heckman);

and determining at least one indicia of behavior of at least one crop insurance plan, responsive to and in accordance with the information (para. 17, para. 60, and para. 61 of Heckman).

(Y) Referring to claim 29, Heckman discloses wherein the behavior determination being made upon an historical basis (para. 13 of Heckman). Insofar as the claim recites "at least one of," it is immaterial whether or not the other elements are also disclosed.

(Z) Referring to claim 30, Heckman discloses wherein the determining step further includes the step of: generating a comparison of the relative historical behaviors of at least one crop insurance plan under at least one scenario (para. 114 and para. 47 of Heckman).

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(AA) Referring to claim 31, Heckman discloses wherein the information providing step further includes the step of: selectively defining at least one modifiable crop insurance plan scenario having at least one variable associated therewith, for use as information by the behavior determining step (para. 28 of Heckman).

(BB) Referring to claim 32, Heckman discloses dynamically modifying at least one variable of at least one crop insurance plan (para. 105 of Heckman); and selectively repeating the determining step in relation to respective variable modifications and/or scenario redefinitions (para. 103 of Heckman).

(CC) Referring to claim 33, Heckman discloses wherein the determining step further includes the step of: determining projected and/or hypothetical performance of at least one crop insurance plan, on the basis of at least one crop insurance plan variable assumption (para. 55 of Heckman).

(DD) Claim 34 repeats the same limitations of claim 10, and is therefore rejected for the same reasons given for that claim.

(EE) Referring to claim 35, Heckman discloses selecting at least one basis for analyzing, evaluating, and/or comparing at least one crop insurance plan under at least one selective scenario (para. 61 of Heckman); and

implementing the at least one basis selection in connection with performance of the determining step (para. 62 of Heckman).

(FF) Referring to claim 36, Heckman discloses wherein the at least one basis selection includes at least one of an historical relative performance comparison, a projected and/or hypothetical relative performance comparison, a performance analysis based at least in part upon assumptions, a scenario-based comparison

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and/or analysis, a plan-based comparison and/or analysis, a combination of scenario-based and plan-based comparison and/or analysis, a comparison and/or analysis among individual producer-based crop insurance plans, a comparison and/or analysis among group-based crop insurance plans, and a comparison and/or analysis among a combination of individual producer-based crop insurance plans and group-based crop insurance plans (para. 61 of Heckman).

(GG) Referring to claim 37, Heckman discloses a computer program product for use in a computer environment, the computer program product comprising a computer usable medium having computer readable program code thereon executable by the computer environment, the computer readable program code for performing a method to facilitate the evaluation of at least one crop insurance plan, said method comprising the steps of (para. 52, para. 46, and para. 47 of Heckman):

receiving information pertaining to the at least one crop insurance plan (para. 47 of Heckman); and

processing the information to determine at least one indicia of performance of at least one crop insurance plan under at least one scenario (para. 60 of Heckman).

(HH) Referring to claim 38, Heckman discloses wherein said processing step further includes the step of: determining the relative historical performance of at least one crop insurance plan, according to at least one scenario (para. 61 of Heckman).

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(II) Referring to claim 39, Heckman discloses wherein the determining step further includes the step of: utilizing yield-related and/or price-related historical information, as provided by the receiving step (para. 41 of Heckman).

(JJ) Referring to claim 40, Heckman discloses wherein the processing step further includes the step of: generating a comparison demonstrating the relative historical performance of at least one crop insurance plan under at least one scenario (para. 114 of Heckman).

(KK) Referring to claim 41, Heckman discloses wherein the processing step further includes the steps of: performing at least one of: determining at least one projected and/or hypothetical performance for at least one crop insurance plan utilizing at least one assumption concerning at least one crop insurance plan variable, and determining at least one current actual performance for at least one crop insurance plan (para. 60 of Heckman).

(LL) Referring to claim 42, Heckman discloses wherein said method further includes the steps of: defining at least one hypothetical scenario for at least one crop insurance plan; and determining the behavior of at least one crop insurance plan in response to the at least one hypothetical scenario (para. 61 of Heckman).

(MM) Referring to claim 43, Heckman discloses wherein said method further includes the step of: performing a business and/or financial analysis incorporating results from the processing step (para. 60 and para. 61 of Heckman).

(NN) Referring to claim 44, Heckman discloses wherein said method further includes the steps of: integrating multiple crop insurance plans into a

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consolidated quotation and management package to thereby enable an analysis of all available crop insurance plans (para. 62, para. 114, and para. 2 of Heckman).

(OO) Referring to claim 45, Heckman discloses a computer program product for use in a computer environment, the computer program product comprising a computer usable medium having computer readable program code thereon executable by the computer environment, the computer readable program code for performing operations to facilitate evaluation and/or analysis of at least one crop insurance plan, said operations comprising (para. 52, para. 46, and para. 47 of Heckman):

processing information pertaining to at least one crop insurance plan operative under at least one scenario (para. 61 of Heckman); and

providing at least one indicia of performance of at least one crop insurance plan, based at least in part upon the processing results (para. 60 of Heckman).

(PP) Referring to claim 46, Heckman discloses wherein said operations further include: determining the relative historical performance of at least one crop insurance plan under at least one scenario (para. 61 of Heckman).

(QQ) Referring to claim 47, Heckman discloses wherein said operations further include: generating a comparison demonstrating the relative historical performance of at least one crop insurance plan under at least one scenario (para. 114 of Heckman).

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(RR) Referring to claim 48, Heckman discloses wherein said operations further include at least one of: determining at least one projected and/or hypothetical performance for at least one crop insurance plan utilizing at least one assumption concerning at least one crop insurance plan variable, and determining at least one current actual performance for at least one crop insurance plan (para. 60 of Heckman).

(SS) Referring to claim 49, Heckman discloses wherein said method further includes the steps of: defining at least one hypothetical scenario for at least one crop insurance plan; and determining the behavior of at least one crop insurance plan in response to the at least one hypothetical scenario (para. 61 of Heckman).

(TT) Referring to claim 50, Heckman discloses wherein said operations further include: performing a business and/or financial analysis incorporating the processing operation results (para. 60 and para. 61 of Heckman).

(UU) Referring to claim 51, Heckman discloses wherein said operations further include: integrating multiple crop insurance plans into a consolidated quotation and management package to thereby enable an analysis of all available crop insurance plans (para. 62, para. 114, and para. 2 of Heckman).

(VV) Referring to claim 52, Heckman discloses a system, comprising:

an input device (para. 46 and Fig. 1 of Heckman);

a module containing at least one of representations, descriptions, and definitions of at least one crop insurance plan (para. 46 and para. 28 of Heckman);

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a computing device operatively coupled to said input device and said module (para. 46 of Heckman); and

a storage apparatus including program code executable by said computing device (Fig. 1 of Heckman);

said program code being configured to operatively determine at least one indicia of performance of at least one crop insurance plan, based at least in part upon information operatively received from said input device pertaining to said at least one crop insurance plan (para. 52, para. 60, and para. 61 of Heckman).

(WW) Referring to claim 53, Heckman discloses wherein said program code being configured further to determine relative historical performance of at least one crop insurance plan under at least one scenario, in association with historical information (para. 61 of Heckman).

(XX) Referring to claim 54, Heckman discloses a database operatively coupled to said computing device, said database containing crop-related historical information (Fig. 1 and para. 60 of Heckman).

(YY) Referring to claim 55, Heckman discloses wherein said program code being configured further to (i) determine a projected and/or hypothetical performance of at least one crop insurance plan, based at least in part upon information operatively received from said input device pertaining to at least one assumption concerning at least one crop insurance plan variable, and/or (ii) determine at least one current actual performance of at least one crop insurance plan (para. 61 of Heckman).

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(ZZ) Referring to claim 56, wherein said program code being configured further to define at least one hypothetical scenario for at least one crop insurance plan and to determine the behavior of at least one crop insurance plan in response to the at least one hypothetical scenario (para. 61 and para. 62 of Heckman).

(AAA) Referring to claim 57, Heckman discloses wherein said input device being disposed remote from said computing device (Fig. 1 of Heckman).

(BBB) Referring to claim 58, Heckman discloses a network connection between said input device and said computing device (para. 46 of Heckman).

(CCC) Referring to claim 59, Heckman discloses wherein said module further includes: a means defining at least one algorithm having at least one formula (para. 32 and para. 33 of Heckman).

(DDD) Referring to claim 60, Heckman discloses wherein said program code being configured further to perform a business and/or financial analysis incorporating results from the crop insurance plan performance determination (para. 60 and para. 61 of Heckman).

(EEE) Referring to claim 61, Heckman discloses wherein said program code being configured for integrating multiple crop insurance plans into a consolidated quotation and management package to thereby enable an analysis of all available crop insurance plans (para. 62, para. 114, and para. 2 of Heckman).

(FFF) Referring to claim 62, Heckman discloses a system (Fig. 1 of Heckman), comprising:

first means to define at least one crop insurance plan (para. 28 of Heckman);

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second means to provide variable information pertaining to said at least one crop insurance plan (para. 61 of Heckman); and

third means, operatively coupled to said first means and responsive to variable information from said second means, to determine at least one indicia of performance of at least one crop insurance plan under at least one scenario (para. 60 and para. 61 of Heckman).

(GGG) Referring to claim 63, Heckman discloses means for providing historical information (para. 32 of Heckman).

(HHH) Referring to claim 64, Heckman discloses wherein said third means further includes: means for determining the relative historical performance of at least one crop insurance plan under at least one scenario, based at least in part upon the historical information (para. 61 of Heckman).

(III) Referring to claim 65, Heckman discloses wherein said third means further includes: means for constructing a comparison defining the relative historical performance of at least one crop insurance plan under at least one scenario, based at least in part upon at least one of yield-related historical data and price-related historical data (para. 114 and para. 61 of Heckman).

(JJJ) Referring to claim 66, Heckman discloses wherein said third means further includes:

means for determining projected and/or hypothetical performance of at least one crop insurance plan under at least one scenario, based at least in part upon at least one crop insurance plan variable assumption operatively provided by said second means (para. 60 of Heckman).

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(KKK) Referring to claim 67, Heckman discloses wherein said means for determining projected and/or hypothetical performance further includes: means for demonstrating the determination of projected and/or hypothetical crop insurance plan performance as a comparison (para. 55 of Heckman).

(LLL) Referring to claim 68, Heckman discloses wherein said third means further includes: means for defining at least one hypothetical scenario for at least one crop insurance plan; and means for determining the behavior of at least one crop insurance plan in response to the at least one hypothetical scenario (para. 61 of Heckman).

(MMM) Referring to claim 69, Heckman discloses a system (Fig. 1 of Heckman), comprising:

a computer environment including at least one processor (para. 46 and para. 55 of Heckman); and

program code executable by said at least one processor (para. 52 of Heckman);

said program code being configured to determine at least one indicia of performance of at least one crop insurance plan under at least one scenario, in response to input data pertaining to at least one crop insurance plan (para. 60 and para. 61 of Heckman).

(NNN) Referring to claim 70, Heckman discloses wherein the input data includes at least one user selection pertaining to at least one crop insurance plan variable (para. 47 of Heckman).

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(OOO) Referring to claim 71, Heckman discloses means to define the at least one crop insurance plan (para. 60 of Heckman).

(PPP) Referring to claim 72, Heckman discloses wherein said program code being configured further to determine relative historical performance of at least one crop insurance plan under at least one scenario, in association with historical information (para. 61 of Heckman).

(QQQ) Referring to claim 73, Heckman discloses a database containing crop-related historical information, said database being operatively coupled to said computer environment (para. 61 and Fig. 1 of Heckman).

(RRR) Referring to claim 74, Heckman discloses wherein said program code being configured further to (i) determine a projected and/or hypothetical performance for at least one crop insurance plan, based at least in part upon at least one assumption concerning at least one crop insurance plan variable, and/or (ii) determine a current actual performance for at least one crop insurance plan (para. 61 of Heckman).

(SSS) Referring to claim 75, Heckman discloses wherein said program code being configured further to define at least one hypothetical scenario for at least one crop insurance plan and to determine the behavior of at least one crop insurance plan in response to the at least one hypothetical scenario (para. 61 of Heckman).

(TTT) Referring to claim 76, Heckman discloses an apparatus, comprising:
an input device (para. 46 and Fig. 1 of Heckman);

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a storage device containing at least one of representations, descriptions, and definitions of at least one crop insurance plan (para. 32 and para. 56 of Heckman); and

a processor operatively connected to said input device and said storage device (para. 61 and Fig. 1 of Heckman);

said processor including a crop insurance plan performance calculator (para. 30 of Heckman).

(UUU) Referring to claim 77, Heckman discloses wherein said processor further includes: a crop insurance plan performance analyzer (para. 60 of Heckman).

(VVV) Referring to claim 78, Heckman discloses wherein said processor further includes: a crop insurance plan relative performance comparator (para. 114 of Heckman).

(WWW) Referring to claim 79, Heckman discloses at least one database containing yield-related and/or price related historical information (para. 48 of Heckman).

(XXX) Referring to claim 80, Heckman discloses wherein said at least one database further includes at least one of:

a data structure containing information representative of current and/or historical crop insurance rates (para. 75 of Heckman);

a data structure containing information representative of crop actuarial history (para. 12 of Heckman);

a data structure containing information representative of current and/or historical commodity pricing (para. 75 of Heckman);

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a data structure containing information representative of individual producer actual production history (para. 48 of Heckman);

a data structure containing information representative of county-based and/or group-based crop history (para. 61 of Heckman); and

a data structure containing information representative of current and/or historical insurance plan actuarial data (para. 75 of Heckman).

(AAAA) Referring to claim 81, Heckman discloses a computer program product for use in a computer environment, the computer program product comprising a computer usable medium having computer readable program code thereon executable by the computer environment, the computer readable program code comprising (Fig. 1, para. 46, and para. 52 of Heckman):

first program code for defining and/or representing at least one crop insurance plan (para. 47 of Heckman); and

second program code operatively associated with said first program code, said second program code for determining at least one indicia of performance of at least one crop insurance plan, responsive to and in accordance with input data pertaining to at least one crop insurance plan variable (para. 61 of Heckman).

(BBBB) Referring to claim 82, Heckman discloses program code for generating a relative historical performance comparison involving at least one crop insurance plan according to at least one scenario (para. 60 of Heckman).

(CCCC) Referring to claim 83, Heckman discloses a database containing crop-related historical information (para. 60 of Heckman).

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(DDDD) Referring to claim 84, Heckman discloses program code for determining historical performance of at least one crop insurance plan under at least one scenario (para. 60 of Heckman).

(EEEE) Referring to claim 85, Heckman discloses program code for determining a projected and/or hypothetical performance of at least one crop insurance plan, based at least in part upon at least one assumption concerning at least one crop insurance plan variable (para. 55 and para. 61 of Heckman).

(FFFF) Referring to claim 86, Heckman discloses program code for developing trending information, based at least in part upon the determination of projected and/or hypothetical performance (para. 65 of Heckman).

(GGGG) Referring to claim 87, Heckman discloses program code for defining at least one hypothetical scenario for at least one crop insurance plan; and program code for determining the behavior of at least one crop insurance plan in response to the at least one hypothetical scenario (para. 61 of Heckman).

(HHHH) Referring to claim 88, Heckman discloses program code for performing a business and/or financial analysis incorporating results from the crop insurance plan performance determination (para. 60 and para. 61 of Heckman).

(IIII) Referring to claim 89, Heckman discloses program code for integrating multiple crop insurance plans into a consolidated quotation and management package to thereby enable an analysis of all available crop insurance plans (para. 62, para. 114, and para. 2 of Heckman).

(JJJJ) Referring to claim 90, Heckman discloses a computer usable medium having computer readable program code thereon executable by a computer

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system, the computer readable program code comprising (para. 2 and Fig. 1 of Heckman):

first program code to represent at least one crop insurance plan (para. 60 of Heckman);

second program code, operatively associated with said first program code, to process input information pertaining to the at least one crop insurance plan (para. 61 of Heckman); and

third program code to determine at least one indicia of performance of at least one crop insurance plan, according to processing results of said second program code (para. 61 of Heckman).

(KKKK) Referring to claim 91, Heckman discloses at least one data structure containing crop-related historical information (para. 61 of Heckman).

(LLLL) Referring to claim 92, Heckman discloses wherein said at least one data structure further includes: a database containing historical information pertaining to at least one of price-related history, yield-related history, individual producer actual production history, crop insurance plan actuarial history, county-based and/or group-based crop history, crop insurance rate history, crop actuarial history, and commodity pricing history (para. 61 of Heckman).

(MMMM) Referring to claim 93, Heckman discloses wherein said computer readable program code further includes: program code to generate a relative historical performance comparison involving at least one crop insurance plan according to at least one scenario (para. 114 and para. 47 of Heckman).

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(NNNN) Referring to claim 94, Heckman discloses wherein said computer readable program code further includes: program code to determine historical performance of at least one crop insurance plan under at least one scenario (para. 47 of Heckman).

(OOOO) Referring to claim 95, Heckman discloses wherein said computer readable program code further includes: program code to (i) determine a projected and/or hypothetical performance of at least one crop insurance plan, based at least in part upon at least one assumption concerning at least one crop insurance plan variable, and/or (ii) determine a current actual performance of at least one crop insurance plan (para. 61 of Heckman).

(PPPP) Referring to claim 96, Heckman discloses wherein said computer readable program code further includes: program code to develop trending information, based at least in part upon the determination of projected and/or hypothetical performance (para. 65 of Heckman).

(QQQQ) Referring to claim 97, Heckman discloses wherein said computer readable program code further includes: program code to define at least one hypothetical scenario for at least one crop insurance plan; and program code to determine the behavior of at least one crop insurance plan in response to the at least one hypothetical scenario (para. 61 of Heckman).

(RRRR) Referring to claim 98, Heckman discloses wherein said computer readable program code further includes: program code to perform a business and/or financial analysis incorporating results from the crop insurance plan performance determination (para. 60 and para. 61 of Heckman).

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(SSSS) Referring to claim 99, Heckman discloses wherein said computer readable program code further includes: program code for integrating multiple crop insurance plans into a consolidated quotation and management package to thereby enable an analysis of all available crop insurance plans (para. 62, para. 114, and para. 2 of Heckman).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 19-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Heckman et al. (US 2003/0061075 A1) as applied to claims 1 and 16 above, and in view of Schneider (US 2002/0103688 A1).

(A) Referring to claim 19, Heckman does not disclose wherein the at least one performance level includes a break-even threshold.

Schneider discloses wherein the at least one performance level includes a break-even threshold (para. 16 of Schneider).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the feature of Schneider within Heckman. The motivation for doing so would have been to determine the most optimum strategy (para. 16 of Schneider).

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(B) Referring to claim 20, Heckman discloses selectively defining at least one scenario (para. 61 of Heckman).

Heckman does not disclose determining the value of at least one variable of at least one crop insurance plan enabling satisfaction of a break-even performance requirement, under the at least one scenario definition.

Schneider discloses determining the value of at least one variable of at least one crop insurance plan enabling satisfaction of a break-even performance requirement, under the at least one scenario definition (para. 16 and para. 17 of Schneider).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the feature of Schneider within Heckman. The motivation for doing so would have been to determine the most optimum strategy (para. 16 of Schneider).

(C) Referring to claim 21, Heckman does not disclose wherein the at least one variable associated with the break-even performance requirement includes a price-related variable and/or a yield-related variable.

Schneider discloses wherein the at least one variable associated with the break-even performance requirement includes a price-related variable and/or a yield-related variable (para. 16 of Schneider).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the feature of Schneider within Heckman. The motivation for doing so would have been to determine the most optimum strategy (para. 16 of Schneider).

8. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Heckman et al. (US 2003/0061075 A1) in view of Weiermann et al. (US 2004/0039610 A1).

(A) Referring to claim 25, Heckman does not disclose specifying each crop insurance plan in association with a respective insurance provider carrying the associated crop insurance plan; and causing the generating step to further construct a comparison of the relative performance of same-type crop insurance plans associated with respective insurance providers.

Weiermann discloses specifying each crop insurance plan in association with a respective insurance provider carrying the associated crop insurance plan; and causing the generating step to further construct a comparison of the relative performance of same-type crop insurance plans associated with respective insurance providers (para. 37 and para. 38 of Weiermann).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the features of Weiermann within Heckman. The motivation for doing so would have been to allow users to compare similar policies offered by other insurance providers (para. 3 of Weiermann).

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited but not applied prior art teaches an agricultural management system for providing agricultural solutions and enabling commerce

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(US 2002/0183867 A1); and a system, method, and computer program product for valuating weather-based financial instruments (US 6,418,417 B1).

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lena Najarian whose telephone number is 571-272-7072. The examiner can normally be reached on Monday - Friday, 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on 571-272-6776. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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